

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VENCIL C. GREEN,

Plaintiff,

v.

VAL LACEBAL, et al.,

Defendants.

Case No. 2:21-cv-1636 DAD SCR P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. §1983. On January 12, 2024, this court issued a Discovery and Scheduling Order. (ECF No. 43.) The order set deadlines of May 10, 2024 for discovery and August 10, 2024 for pretrial motions.

On May 6, 2024, plaintiff filed a motion for summary judgment. (ECF No. 46.) Defendants requested an extension of time to file an opposition to that motion. (ECF No. 50.) However, on June 11, before the court ruled on that request, Defendants filed a timely opposition, rendering their request for an extension of time moot. (ECF No. 51.)

In motions filed May 8 and August 1, defendants seek extensions of the discovery and pretrial motion deadlines. (ECF Nos. 47, 58.) Defendants state that they served a timely notice of deposition on plaintiff at his address of record. That notice was returned as undeliverable on April 29. Because the Discovery and Scheduling Order requires a deposition notice to be served

1 fourteen days before the scheduled deposition, defendants did not have time before expiration of  
2 the discovery deadline to determine plaintiff's whereabouts and re-serve the notice. Defendants  
3 seek an extension of the discovery deadline for the sole purpose of deposing plaintiff.

4 Defendants have shown good cause for extensions of the discovery and pretrial motion  
5 deadlines.

6 Accordingly, IT IS HEREBY ORDERED as follows:

- 7 1. Defendants' motion for an extension of time to file an opposition to plaintiff's summary  
8 judgment motion (ECF No. 50) is denied as moot.
- 9 2. Defendants' motions for extensions of the discovery and dispositive motion deadlines  
10 (ECF Nos. 47, 58) are granted.
- 11 3. The deadline for discovery is extended to September 28, 2024 for the limited purpose of  
12 deposing plaintiff.
- 13 4. The deadline for filing pretrial motions, except motions to compel discovery, is  
14 extended to October 9, 2024.
- 15 5. In all other respects, the Discovery and Scheduling Order is unchanged.

16 DATED: August 7, 2024

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18 SEAN C. RIORDAN  
19 UNITED STATES MAGISTRATE JUDGE  
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